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FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ JUN 29 2021 ★

BROOKLYN OFFICE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

ANDRE P. DIBBIS

Plaintiff,

[Insert full name of plaintiff/prisoner]

CIVIL RIGHTS COMPLAINT

42 U.S.C. § 1983

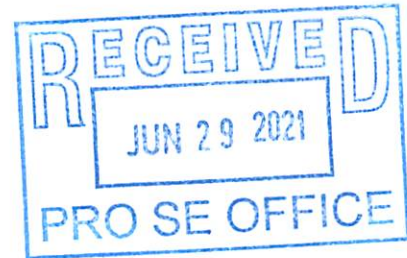
JURY DEMAND

YES ☒ NO ☐

-against-

Police OFFICER JOHN DOE
Arresting OFFICER ID# 95087
(individually and his official capacities)

City of NEW YORK et al.
Defendant(s).



[Insert full name(s) of defendant(s). If you need additional space, please write "see attached" and insert a separate page with the full names of the additional defendants. The names listed above must be identical to those listed in Part I]

- I. **Parties:** (In item A below, place your name in the first blank and provide your present address and telephone number. Do the same for additional plaintiffs, if any.)

A. Name of plaintiff ANDRE P. DIBBIS

If you are incarcerated, provide the name of the facility and address:

FIVE POWERS Correctional Facility
State Route 96, P.O. Box 1190
Romulus, New York, 14521

Prisoner ID Number: Din# 20A1664

If you are not incarcerated, provide your current address:

Telephone Number:

B. List all defendants. You must provide the full names of each defendant and the addresses at which each defendant may be served. The defendants listed here must match the defendants named in the caption on page 1.

Defendant No. 1

Police OFFICER John Doe
Full Name (Arresting officer ID #950387)
Police OFFICER
Job Title
1 Police Plaza
NEW YORK, N.Y., 10007
Address

Defendant No. 2

City of New York
Full Name
Law Department
Job Title
100 Church Street
New York, N.Y., 10007
Address

Defendant No. 3

Full Name

Job Title

Address

Defendant No. 4

Full Name

Job Title

Address

Defendant No. 5

Full Name

Job Title

Address

II. Statement of Claim:

(State briefly and concisely, the facts of your case. Include the date(s) of the event(s) alleged as well as the location where the events occurred. Include the names of each defendant and state how each person named was involved in the event you are claiming violated your rights. You need not give any legal arguments or cite to cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. You may use additional 8 ½ by 11 sheets of paper as necessary.)

Where did the events giving rise to your claim(s) occur? Post Avenue in
the City of Staten Island in the state of
New York.

When did the events happen? (include approximate time and date) January 21,
2020 at 3:30 pm. (15:30:00).

Facts: (what happened?)

On January 21, 2020, I was falsely arrested at 3:30 pm on Staten Island in the State of New York for the Crime of Criminal Possession of a Controlled Substance. This case was continued for about eight months until it was finally dismissed on October 2, 2020. The Case number for this case was Docket # 20621C/2020. This was in direct violation of my 8th Amendment right of the United States Constitution which states "Excessive bail shall not be required nor excessive fines imposed, nor cruel and unusual punishments inflicted. And this claim arose from the actions committed by my arresting officer John Doe who's ID# 950387.

II.A. Injuries. If you are claiming injuries as a result of the events you are complaining about, describe your injuries and state what medical treatment you required. Was medical treatment received?

N/A

III. Relief: State what relief you are seeking if you prevail on your complaint.

I would like to be compensated
with (\$1,000,000) One million dollars in
monetary damages.

I declare under penalty of perjury that on June 21, 2021, I delivered this
complaint to prison authorities at FIVE POINTS C.F. to be mailed to the United
(name of prison)
States District Court for the Eastern District of New York.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: 06/21/21

Charles P. Figg
Signature of Plaintiff

Five Points Correctional Facility
Name of Prison Facility or Address if not incarcerated

State Route 96, P.O. Box 119
Romulus, New York, 14541

Address

DIN # 20A1664
Prisoner ID#

Exhibit

A

SUPREME COURT OF THE STATE OF NEW YORK
RICHMOND COUNTY
COUNTY COURT HOUSE
18 RICHMOND TERRACE
STATEN ISLAND, NY 10301

FEE:\$10.00

CERTIFICATE OF DISPOSITION DISMISSAL

DATE: 06/10/2021

CERTIFICATE OF DISPOSITION NUMBER: 5094

PEOPLE OF THE STATE OF NEW YORK
VS.

CASE NUMBER: 00621C-2020
LOWER COURT NUMBER(S): CR-000621-20RI
DATE OF ARREST: 01/21/2020
ARREST #: S20600459
DATE OF BIRTH: 02/05/1981

DIGGS, ANDRE

DEFENDANT

I HEREBY CERTIFY THAT IT APPEARS FROM AN EXAMINATION OF THE RECORDS ON FILE IN THIS OFFICE THAT ON 10/02/2020 THE ABOVE ACTION WAS DISMISSED AND ALL PENDING CRIMINAL CHARGES RELATED TO THIS ACTION WERE ALSO DISMISSED BY THE HONORABLE GARNETT, W THEN A JUDGE OF THIS COURT.

THE DEFENDANT WAS DISCHARGED FROM THE JURISDICTION OF THE COURT.

THE ABOVE MENTIONED DISMISSAL IS A TERMINATION OF THE CRIMINAL ACTION IN FAVOR OF THE ACCUSED AND PURSUANT TO SECTION 160.60 OF THE CRIMINAL PROCEDURE LAW "THE ARREST AND PROSECUTION SHALL BE DEEMED A NULLITY AND THE ACCUSED SHALL BE RESTORED, IN CONTEMPLATION OF LAW, TO THE STATUS OCCUPIED BEFORE THE ARREST AND PROSECUTION".

PURSUANT TO SECTION 160.50(1C) OF THE CRIMINAL PROCEDURE LAW, ALL OFFICIAL RECORDS AND PAPERS RELATING TO THIS CASE ARE SEALED.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL ON THIS DATE 06/10/2021.


CLERK OF COURT


COURT CLERK

All marijuana convictions under PL 221.05, PL 221.10, PL 221.15, PL 221.20 PL 221.35 or PL 221.40 - including any appearing on this certificate of disposition - are vacated, dismissed, sealed, and expunged. It is an unlawful discriminatory practice for any entity to make any inquiry about such an expunged conviction or to use such an expunged conviction adversely against an individual in any form of application or otherwise - unless specifically required or permitted to do so by statute.

Pursuant to section 70.15 of the Penal Law, any misdemeanor sentence with a jail term of "1 year", "12 months", or "365 days" is, by operation of law, deemed to be a sentence of 364 days. Any Certificate of Disposition indicating a jail sentence of "1 year", "12 months", "52 weeks", or

JUDRE P. DIBLOS DIM#
FIVE POINTS CORRECTIONAL
State Route 96, P.O. #
Ranulus New York
14541



Attn: JESSIE OFFICE
Clerk of U.S. District Court
Eastern District of N.Y.
225 CANAAN
Plaza East Brooklyn
N.Y. 11201

Five Points Correctional Facility
Legal Mail Only

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